

**FACT SHEET STATEMENT OF BASIS**  
**STORM WATER GENERAL PERMIT FOR**  
**CONSTRUCTION ACTIVITIES**  
**PERMIT RENEWAL**  
**PERMIT NUMBER UTR100020**

**GENERAL PERMIT INFORMATION:** This renewal permit (UTR100020) serves as a re-issuance or replacement of the previous Storm Water General Permit for Construction Activities issued on October 01, 2002 (“2002 Permit”). Also issued at the same time is a permit (UTG100010) which continues coverage for those people with active NOIs issued under the “2002 Permit”. The duration of this permit (UTG100010) will be two years and the permit will serve as a time bridge from the “2002 Permit” to the renewal permit UTR100020. In that time bridge, a permittee can submit a Notice of Termination (NOT) or a new Notice of Intent (NOI) to be covered under the renewal permit UTR100020. The time bridge was given in order for people under the old “2002 Permit” to become aware of the availability of a new re-issued permit (UTR100020) and to make a reasonably smooth transition. People with active NOIs/construction sites under the old “2002 Permit” will be automatically covered under the UTR100010 permit (no NOIs or any other forms need to be completed for coverage) and all of the requirements of the old “2002 Permit” will be continued in the UTR100010 permit. Automatic coverage under UTR100010 will terminate on May 31, 2010 on which date or before those people automatically covered under UTR100010 will need to fill out a new NOI (on the web site [www.waterquality.utah.gov/updes/stormwatercon.htm](http://www.waterquality.utah.gov/updes/stormwatercon.htm) or submit a paper NOI) to be covered by the re-issued Storm Water General Permit for Construction Activities UTR100020. The bridge permit UTR100010, the re-issued permit UTR100020 and the Statement of Basis for the re-issued permit are included on the same web site as the NOI listed above.

**BACKGROUND:** The State of Utah was granted primacy in the National Pollutant Discharge Elimination System (NPDES) program by the USEPA in 1987. Utah’s program is known as the Utah Pollutant Discharge Elimination System (UPDES) Program. The storm water program is one part of the UPDES program and was first implemented in Utah around 1992. Utah began issuing storm water construction general permits in 1996 for those sites disturbing greater than or equal to five acres in size. In 2002, Utah issued a Storm Water General Permit for Construction Activities that covered construction for those sites greater than or equal to one acre in size.

The Division of Water Quality (DWQ) presently handles most of the storm water permits by issuing general permits-although it reserves the authority to issue individual permits as needed. Approximately 4300 dischargers have been covered under the 2002 General Construction Permit.

**DESCRIPTION OF DISCHARGE:** This permit covers discharges from construction activities as defined in Utah Admin. Code R317-8-3.9 (6) (d) 10 and R317-8-3.9(6) (e) 1, as well as in Parts 6.5 and 6.6 of the proposed permit. These activities include clearing, grading and excavation that result in the disturbance of one acre or more in total land area. It may also include a disturbance of less than one acre of total land area if the area is part of a larger common plan of development or sale and the larger common plan will ultimately disturb one acre or more.

Under the Utah Admin. Code R317-8-3.9(6)(e)2 any construction activity can be required to obtain a permit if designated by the Executive Secretary based on potential contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State.

Storm water discharges covered by this permit are discharges with potential for erosion from disturbed land, with potential for extra sediment loadings, with exposure to construction machinery and equipment, with exposure to construction activities, and with exposure to construction materials.

This permit regulates storm water discharges only. Also allowed in a storm water discharge under this permit, providing water quality is not affected, are fire hydrant flushing; waters used to wash vehicles where detergents are not used; water used to control dusts; potable water sources including waterline flushing; routine external building wash down which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous (including oil and fuels) materials have not occurred (unless all spilled material has been removed) and where detergents are not used; uncontaminated air conditioning condensate or compressor condensate; uncontaminated groundwater or springs; and foundation or footing drains where flows are not contaminated with process materials such as solvents; Landscape and other irrigation drainage. A facility may have other permitted discharges at the site not covered by this Permit.

**COVERAGES:** This general permit covers facilities with storm water discharges associated with construction activities. The following discharges **would not be** authorized by this general permit:

- a) storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization;
- b) Non-storm water discharges (accept certain non-storm water discharges specifically listed in the associated general permit). However, this permit can authorize storm water discharges from construction activities where such discharge is mixed with non-storm water discharges that are authorized by a different UPDES permit;

- c) Storm water discharges from construction sites which are covered by an existing UPDES individual or general permit. However, storm water discharges associated with industrial activity from a construction site which are authorized by an existing permit may be authorized by this general permit after the existing permit expires provided the expired permit did not establish numeric limitations for such discharges;
- d) Storm water discharges from construction activities that cause or have the reasonable potential to cause a violation of a water quality standard; and
- e) Storm water discharges from construction sites if the discharge or the clearing activities are likely to adversely affect a listed endangered or threatened species or its critical habitat.

**PERMIT CONDITIONS:** The strategy used in this general permit focuses on source control through the use of Best Management Practices (BMPs). This permit contains provisions that limits the discharge to storm water with some exceptions, that require response conditions to a spill or release in excess of reportable quantities, that requires specific inspection conditions and frequencies, that specify what records shall be retained and for how long and that a storm water pollution prevention plan (SWPPP) be developed and implemented on the construction site before an NOI is submitted. The focus of the permit is the SWPPP which covers the main points listed below:

- a) Site description
- b) Controls to reduce pollution
- c) Maintenance
- d) Inspections
- e) Non-storm water discharges

This approach to permitting has been selected to maintain a degree of conformity with the storm water program used in other states and comments from EPA.

**QUALIFYING LOCAL PROGRAM:** The DWQ is in the process of developing permits for qualifying local programs, a task expected to be completed by the end of 2008.

**PERMIT CHANGES:** This permit makes a number of changes from the 2002 General Permit. The most significant are that it describes SWPPP and inspection requirements in greater detail, better outlines transfer of permit responsibility (Part 4.1.3), and it provides for a partial notice of termination as indicated in Part 4.1.2 of the Permit.

**PERMIT DURATION:** This permit will expire on May 31, 2013.

This Statement of Basis and Permit was drafted by Mike Herkimer of the Division of Water Quality on April 3, 2008.